

**Introduced by Senator Lieu**

August 12, 2013

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Senate Resolution No. 16—Relative to Section 215 of the USA PATRIOT Act.

1     WHEREAS, Section 215 of the USA PATRIOT Act (50 U.S.C.  
2     Sec. 1861) authorizes the government to collect “tangible things”  
3     that are “relevant” to an authorized national security investigation;  
4     and  
5     WHEREAS, The National Security Agency (NSA) has  
6     reportedly used Section 215 to collect metadata on every telephone  
7     call made or received by every American over the last seven years;  
8     and  
9     WHEREAS, This metadata collected by the NSA was not limited  
10    to dialed numbers, but also included the telephone numbers of  
11    incoming calls, the times of calls, and call routing information;  
12    and  
13    WHEREAS, Many legislators who voted for the USA PATRIOT  
14    Act, including the past chairman of the authorizing committee of  
15    that law, have stated that the NSA’s blanket surveillance program  
16    goes far beyond what the USA PATRIOT Act was intended to do;  
17    and  
18    WHEREAS, The Director of National Intelligence, James  
19    Clapper, Jr., has admitted to misleading Congress about the actual  
20    scope of the call record surveillance program; and  
21    WHEREAS, Section 215 is silent as to how the government  
22    may use these records once it has obtained them; and  
23    WHEREAS, The Fourth Amendment to the United States  
24    Constitution states: “The right of the people to be secure in their  
25    persons, houses, papers, and effects, against unreasonable searches

1 and seizures, shall not be violated, and no warrants shall issue, but  
2 upon probable cause, supported by oath or affirmation, and  
3 particularly describing the place to be searched, and the persons  
4 or things to be seized”; and

5 WHEREAS, The United States Constitution, including the  
6 Fourth Amendment, applies at all times to all government agencies  
7 and all government employees; and

8 WHEREAS, All Americans cannot reasonably be considered  
9 to be suspicious simply for making or receiving telephone calls;  
10 and

11 WHEREAS, The NSA’s seizure of the telephone records of all  
12 Americans is therefore an “unreasonable seizure” by any definition  
13 of the term; and

14 WHEREAS, The bipartisan Amash-Conyers amendment to the  
15 Department of Defense Appropriations Act (H.R. 2397) would  
16 have ended the NSA’s blanket seizure of the telephone records of  
17 Americans, but was narrowly defeated on July 24, 2013; and

18 WHEREAS, On August 1, 2013, United States Senator Al  
19 Franken introduced legislation, the Surveillance Transparency Act  
20 of 2013 (S. 1452), that would expand and improve ongoing  
21 government reporting about programs under the USA PATRIOT  
22 Act and the Foreign Intelligence Surveillance Act and make it  
23 easier for companies to voluntarily disclose information about the  
24 data the government requires them to collect; now, therefore, be  
25 it

26 *Resolved by the Senate of the State of California,* That the Senate  
27 urges the President and the Congress of the United States to pass  
28 legislation to end the NSA’s blanket, unreasonable, and  
29 unconstitutional collection of Americans’ telephone records and  
30 specifically to bar the NSA and other agencies from using Section  
31 215 of the USA PATRIOT Act to collect records, including  
32 telephone records, pertaining to persons not subject to an  
33 investigation under the USA PATRIOT Act; and be it further

34 *Resolved,* That the Secretary of the Senate transmit copies of  
35 this resolution to the President and Vice President of the United  
36 States, to the Speaker of the House of Representatives, to the  
37 Majority Leader of the Senate, and to each Senator and

- 1 Representative from California in the Congress of the United
- 2 States, and to the author for appropriate distribution.

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